



FOR CLERK USE ONLY

City Council

Item No.

14

CITY COUNCIL AGENDA FACT SHEET

Administration

Department

April 6, 2010

Requested Date

1. Request:

Council Approval

☒Information Only/
Presentation☐

Other (specify)

☐

Hearing

☐

2. Requested Action:

Adopt Resolution approving declarations issued by City Manager related to Earthquake emergency; Adopt Resolution declaring the continuing existence of the local emergency; suspending the public bidding requirements; and ratifying the expenditures and contracts related to the local emergency made by the City Manager since April 4, 2010.

3. Fiscal Impact:

Revenue:

Increase

☐

Source:

Decrease

☐

Amount:

Cost:

Increase

☐

Source:

Decrease

☐

Amount:

Does Not Apply

☒

4. Reviewed By:

Finance Dept. on

By:

Comments:

City Attorney on

By:

Comments:

Note: Back up must be submitted along with this form. Deadline is 5:00 p.m., 2 Fridays before the scheduled meeting date.

CLERK USE ONLY:

CITY COUNCIL DATE:

Action

☐

Filing

☐

Consent

☐

Presentation

☐

Hearing

☐

Other(specify)

☐

Reviewed by: City Clerk

City Manager

Date

Date

CITY COUNCIL AGENDA REPORT

**SUBJECT: DISCUSSION RELATED TO APRIL 4, 2010 EARTHQUAKE AND
RATIFICATION OF VARIOUS EMERGENCY ACTIONS**

AGENDA DATE: April 20, 2010

PREPARED BY: Jennifer M. Lyon, City Attorney

APPROVED FOR AGENDA BY: Victor Carrillo

RECOMMENDATION: Discuss as necessary and adopt the following resolutions:

- (1) Resolution approving declarations issued by City Manager related to Earthquake emergency;
- (2) Resolution declaring the continuing existence of the local emergency; suspending the public bidding requirements; and ratifying the expenditures and contracts related to the local emergency made by the City Manager since April 4, 2010.

FISCAL IMPACT: The City still has various unknown costs related to the earthquake and repairing public infrastructure.

ENVIRONMENTAL REVIEW: This action is not subject to CEQA review.

DISCUSSION (Current consideration):

A magnitude 7.2 earthquake occurred just outside of Calexico on April 4, 2010 at approximately 3:40 p.m. The earthquake was close enough to the City that various structures and infrastructure have been damaged including damage to wastewater and water infrastructure and buildings in the downtown area. The current cost estimate for damages to the City infrastructure is attached to this staff report. All available City personnel and mutual aid resources have been used to respond to the earthquake-related issues to protect citizens and property.

City Staff activated the Calexico Emergency Operations Center on or about April 4, 2010. Pursuant to the Calexico Municipal Code, the Calexico Disaster Council, the City Council, and the City Manager have the authority to declare a local emergency and take various actions related to the protection of life, property and public safety. The resolution attached to this staff report includes ratification of various declarations by the City Manager related to closing of city streets, sidewalks and businesses within the city in order to protect public health and safety.

Further, state law allows for the Council to approve a resolution by a 4/5 vote that allows the City to let public contracts without going through public bidding requirements while the local emergency continues to exist. With this current threat, there is a need to suspend the notice and bidding requirements so that steps can be taken quickly to perform repairs and to complete prevention activities throughout the City. The Council approved the first resolution on April 6, 2010 to suspend the public bidding requirements and in order to continue the suspension of public bidding, the resolution continuing the local emergency must be approved. Further, the resolution addresses the City Council's ratification of the expenditures and contracts entered into since April 4, 2010.

RECOMMENDATION: It is recommended that the City Council approve the attached resolutions.

Attachments: 2 Resolutions

Cost estimate related to public and private damage

CITY OF CALEXICO
DAMAGE INVENTORY AS OF 4/7/10 5:30 P.M.
7.2 EASTER EARTHQUAKE

Category	Name of Business	Address	Cost
Public Structure	Water Plant - (2) 5 million gallon water tank		\$ 17,000,000.00
Public Structure	Sewer Plant		\$ 2,000,000.00
Public Structure	Airport		\$ 307,000.00
			<hr/>
			\$ 19,307,000.00
1. Red Tag	De Anza Hotel		\$ 3,000,000.00
2. Red Tag		103 Third Street	\$ 250,000.00
3. Red Tag		109 Third Street	\$ 250,000.00
4. Red Tag		121 Third Street	\$ 250,000.00
5. Red Tag	VIP Adult Book Store	123 Third Street	\$ 250,000.00
6. Red Tag	Melrose	222 Second Street	\$ 700,000.00
7. Red Tag	Arcade over sidewalk	116-120 Rockwood Avenue	\$ 300,000.00
8. Red Tag	TC Worthy Cash & Carry	145 Second Street	\$ 1,000,000.00
9. Red Tag	Sony	129 Second Street	\$ 400,000.00
10. Red Tag	Top Top Fashion	135 Second Street	\$ 400,000.00
11. Red Tag	Gran Mercado (old Kressito)	219 First Street	\$ 1,500,000.00
12. Red Tag	Arcade over sidewalk	244-254 Second Street	\$ 300,000.00
13. Red Tag	Anderson Apartments	531 & 539 Paulin Avenue	\$ 500,000.00
14. Red Tag	Anderson Apartments	28 E. Sixth Street	\$ 500,000.00
15. Red Tag	Rashid's Warehouse (old Kress)	123 Heffernan Avenue	\$ 900,000.00
			<hr/>
			\$ 10,500,000.00 Subtotal

1. Yellow Tag		145 Third Street	\$ 500.00
2. Yellow Tag	Payless Shoe Source	205 Second Street	\$ 3,500.00
3. Yellow Tag	Casa Estrella	249 Second Street	\$ 1,000.00
4. Yellow Tag	Decoracion de eventos	327 Second Street	\$ 5,000.00
5. Yellow Tag	Valley Ortho Clinic	352 E. First Street	\$ 10,000.00
6. Yellow Tag	Liquidation Plus	410 Second Street	\$ 1,000.00
7. Yellow Tag	Castillo's Mail Center	337 First Street	\$ 1,500.00
8. Yellow Tag	AOA Plasma	341 First Street	\$ 10,000.00
9. Yellow Tag		353 First Street	\$ 1,500.00
10. Yellow Tag	Red Tag Store	336 Second Street	\$ 2,500.00
11. Yellow Tag	Lugz	113 Rockwood Avenue	\$ 500.00

CITY OF CALEXICO

DAMAGE INVENTORY AS OF 4/7/10 5:30 P.M.

7.2 EASTER EARTHQUAKE

12.	Yellow Tag	Calexico Jewelery	110 Second Street	\$	700.00
13.	Yellow Tag	Jack in the Box	121 Rockwood Avenue	\$	1,500.00
14.	Yellow Tag	Top Tops	108 Second Street	\$	7,500.00
15.	Yellow Tag	B H Properties	102 Second Street	\$	10,000.00
16.	Yellow Tag	La Familia	210 Second Street	\$	5,000.00
17.	Yellow Tag	Kids Club	244 E. Second Street	\$	5,000.00
18.	Yellow Tag	Clear Talk	256 Second Street	\$	3,000.00
19.	Yellow Tag	Payless Shoe Source	234 Second Street	\$	1,500.00
20.	Yellow Tag	Casa Bonita	238 Second Street	\$	1,500.00
21.	Yellow Tag	Timex	255 Second Street	\$	500.00
				\$	73,200.00 Subtotal
				\$	29,880,200.00 Grand Total

**CITY OF CALEXICO
DAMAGE INVENTORY
7.2 EASTER EARTHQUAKE**

	Number of Buildings	Estimated Cost of Damage
Commercial Building ₁	7 \$	2,800,000.00
Residential Buildings ₂	2 \$	2,300,000.00
Industrial Buildings	0 \$	-
Public Structures ₃	1 \$	12,300,000.00
Total	10 \$	17,400,000.00

- 1. Primarily in the Downtown Area
- 2. One 16-plex Apartment Complex + De Anza Hotel (Senior's)
- 3. Water & Sewer Plant

WATER PLANT

10 MILLION GALLON CLARIFIER REPAIR MECHANICAL EQUIPMENT	\$	1,000,000.00
(2) WATER TANKS @ 5M each	\$	10,000,000.00

WASTER WATER PLANT

REPAIR 30" RAW SEWER LINE	\$	200,000.00
REPAIR LAGOON LEAKS	\$	100,000.00
REPAIR CLARIFIER	\$	1,000,000.00
TOTAL	\$	12,300,000.00

NOTE: ASSESSMENT AS OF 4-6-10 10:15 AM

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO,
CALIFORNIA, RATIFYING THE CITY MANAGER'S ACTIONS RELATING THE
EXISTENCE OF A LOCAL EMERGENCY**

WHEREAS, Government Code section 8630 authorizes the City Council to proclaim the existence or threatened existence of a local emergency and they declared the local emergency on April 4 and April 6, 2010;

WHEREAS, the City Manager, the Director of Emergency Services, declared an emergency on April 4, 2010 pursuant to the Calexico Municipal Code and is authorized to make certain orders and take various actions, and

WHEREAS, on April 6, 2010, the City Council ratified various actions taken by the City Manager related to the disaster; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen, and continue to exist, within the City of Calexico, as a result of a 7.2 magnitude earthquake commencing on or about 3:40 p.m. on the 4th day of April, 2010; and

WHEREAS, the City Council does hereby find that the above described conditions of extreme peril did warrant and necessitate the actions of the City Manager pursuant to the police powers of the City; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Calexico that the actions of the City Manager from April 4, 2010 until the date of this Resolution as evidenced by the attached declarations related to closing of businesses, public places, and streets; and any other necessary actions for the protection of public peace, health and safety as the Director of Emergency Services are hereby ratified and confirmed.

BE IT FURTHER RESOLVED, that the local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Calexico.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Calexico at a regular meeting this 20th day of April, 2010.

.....

DAVID OUZAN, MAYOR

ATTEST:

LOURDES CORDOVA, CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) SS.
CITY OF CALEXICO)

I, LOURDES CORDOVA, CITY CLERK OF THE CITY OF CALEXICO, DO HEREBY CERTIFY THAT THE ABOVE FOREGOING RESOLUTION NO. 2010-____ WAS DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CALEXICO ON THIS 20th DAY OF April, 2010 BY THE FOLLOWING VOTE, TO WIT:

AYES:
NOES:
ABSENT:

LOURDES CORDOVA, CITY CLERK

**DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE
CITY OF CALEXICO CLOSING CERTAIN TYPES OF BUSINESS AND PLACES OF
PUBLIC ASSEMBLY DETERMINED AS NECESSARY TO
SAFEGUARD LIFE AND PROPERTY**

WHEREAS, under authority contained in California Government Code sections 8610 and 8635 and Calexico Municipal Code section 2.36.060, I have on this 4th day of April, 2010, declared the existence of a disaster in the City of Calexico; and

WHEREAS, I am empowered upon the proclamation of a disaster to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; and

WHEREAS, under conditions of the disaster, it is deemed necessary to impose certain rules and regulations in the interest of public safety; and

WHEREAS, life and property is deemed to be in peril and time is of the essence.

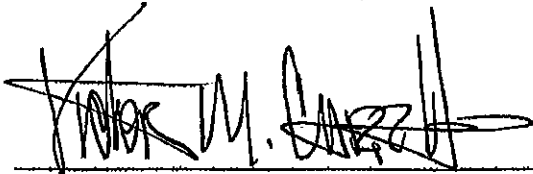
THEREFORE, I, Victor M. Carrillo, as Director of Emergency Services, declare all businesses, public streets and sidewalks shall be closed within the area of the City bounded by the following streets:

FIRST STREET TO SECOND STREET FROM PAULIN AVENUE TO HEBER AVENUE.

NOW, THEREFORE, BE IT RESOLVED, that the law enforcement forces of this City, along with other law enforcement authorities cooperating with the City, are hereby authorized and charged, to the extent provided by law, with the responsibility of enforcing this regulation and are further authorized to arrest such persons as do not obey this regulation after due notice, either oral or written, has been given to said citizen. Any violation of this regulation shall be punished as provided in the Municipal Code.

BE IT FURTHER RESOLVED that this regulation shall remain in effect until such time as it is terminated by the Director of Emergency Services or the City Council of the City of Calexico.

DATE AND TIME: 4-04-10



Director of Emergency Services

DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE
CITY OF CALEXICO CLOSING CERTAIN TYPES OF BUSINESS AND PLACES OF
PUBLIC ASSEMBLY DETERMINED AS NECESSARY TO
SAFEGUARD LIFE AND PROPERTY

WHEREAS, under authority contained in California Government Code sections 8610 and 8635 and Calexico Municipal Code section 2.36.060, I have on this 8th day of April, 2010, declared the existence of a disaster in the City of Calexico; and

WHEREAS, I am empowered upon the proclamation of a disaster to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; and

WHEREAS, under conditions of the disaster, it is deemed necessary to impose certain rules and regulations in the interest of public safety; and

WHEREAS, life and property is deemed to be in peril and time is of the essence.

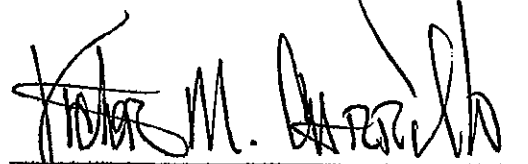
THEREFORE, I, Victor M. Carrillo, as Director of Emergency Services, declare all businesses, public streets and sidewalks shall be closed within the area of the City bounded by the following streets:

FIRST STREET TO THIRD STREET FROM PAULIN AVENUE TO HEBER AVENUE.

NOW, THEREFORE, BE IT RESOLVED, that the law enforcement forces of this City, along with other law enforcement authorities cooperating with the City, are hereby authorized and charged, to the extent provided by law, with the responsibility of enforcing this regulation and are further authorized to arrest such persons as do not obey this regulation after due notice, either oral or written, has been given to said citizen. Any violation of this regulation shall be punished as provided in the Municipal Code.

BE IT FURTHER RESOLVED that this regulation shall remain in effect until such time as it is terminated by the Director of Emergency Services or the City Council of the City of Calexico.

DATE AND TIME: 4-08-10



Director of Emergency Services

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, FINDING AND DECLARING THE CONTINUING EXISTENCE OF AN EMERGENCY WITHIN THE CITY DUE TO AN EARTHQUAKE; SUSPENDING NOTICE AND BIDDING REQUIREMENTS IN CONNECTION WITH REPAIRS REQUIRED THEREBY; AND RATIFYING VARIOUS EXPENDITURES AND CONTRACTS BY THE CITYMANAGER

WHEREAS, the earthquake which occurred on April 4, 2010 was a magnitude of 7.2 has caused significant structural damage to buildings and public infrastructure, including the water and wastewater treatment plants in the City of Calexico, creating a threat to public health and safety; and

WHEREAS, Government Code section 8630 and Calexico Municipal Code (CMC) section 2.36.060 empower the City Manager, acting as the Director of Emergency Services, to proclaim the existence of a local emergency when the City is affected by a public calamity, and the City Council is not in session; and

WHEREAS, on April 4, 2010, the City Manager, the City Council, and the City's Disaster Council, acting pursuant to Government Code section 8630 and CMC section 2.36.060, proclaimed the existence of a local emergency based on conditions of extreme peril to the safety of persons and property caused by the earthquake; and

WHEREAS, the City Council is required by Government Code section 8630 and CMC section 2.36.060 to ratify the existence of a local emergency within seven (7) days of a Proclamation of Local Emergency by the City Manager, and the City Council ratified the local emergency on April 6, 2010; and

WHEREAS, Public Contract Code Section 20168 provides that the City Council may pass by four-fifths (4/5) vote, a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property and the City Council approved such resolution on April 6, 2010 by a 5-0 vote; and

WHEREAS, upon adoption of such resolution, the City Manager may expend any sum required in the emergency and report the same to the City Council in accordance with Public Contract Code Section 22050; and

WHEREAS, if such expenditure is ordered, the City Council shall review the emergency action at each regular meeting, to determine if there is a need to continue the action or if the Proclamation of Local Emergency may be terminated; and

WHEREAS, such earthquake and potential structural and infrastructure damage constitute an emergency within the terms of Public Contract Code Sections 20168 and 22050 which requires that the City Manager be able to act quickly and without complying with the notice and bidding procedures of the Public Contract Code to repair and protect such public facilities; and

WHEREAS, the City has suffered major public infrastructure damage which will require immediate and necessary repairs to protect the public health, safety, and welfare and the City continues to experience significant aftershock earthquakes that can continue to damage the infrastructure.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Calexico hereby finds and declares:

1. A continuing emergency exists within the City as of April 4, 2010 as the result of earthquake damage to various public facilities; and
 - (a) The continuing threat of the earthquake, aftershocks, and resulting damage requires that the City be able to expend public money to repair and protect damaged public facilities in order to safeguard life, health, or property; and
 - (b) The City Manager is authorized to order work for the temporary repair or protection of public facilities damaged by the earthquake or threatened by the earthquake, if and to the extent necessary, to safeguard life, health, or property without complying with notice or bidding procedures; and
 - (c) Once such expenditure is made, the City Manager shall report the conditions to the City Council at each regular meeting, at which time the City Council shall either continue the emergency action or shall declare the emergency ended.
2. This Proclamation of Local Emergency and all subsequent resolutions in connection herewith shall require a four-fifths (4/5) vote of the City Council.
3. The expenditures and contracts as listed on Exhibit A attached hereto are hereby ratified and approved.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Calexico, California, at a regular meeting thereof, this 20th day of April 2010.

David B. Ouzan, Mayor

ATTEST:

Lourdes Cordova, City Clerk

Approved as to Form:

Jennifer M. Lyon, City Attorney

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
CITY OF CALEXICO)

I, Lourdes Cordova, City Clerk of the City of Calexico, do hereby certify under penalty of perjury that the foregoing Resolution No. 10- was duly adopted by the City Council at a meeting of said City Council held on the 20th day of April 2010, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

Lourdes Cordova, City Clerk
City of Calexico

City of Calexico
Contracts Stemming from April 4, 2010 Earthquake

[illegible]